

**BEFORE THE CHIEF PROCUREMENT
OFFICER FOR CONSTRUCTION**

DECISION
CASE NO. 2010-014

RANDOLPH & SON BUILDERS, INC.
VS.
UNIVERSITY OF SOUTH CAROLINA

IT IS SO ORDERED

April 12, 2010
Date

¹ See letter of withdrawal attached as Exhibit A.

STATEMENT OF THE RIGHT TO APPEAL

The South Carolina Procurement Code, under Section 11-35-4210, subsection 6, states:

A decision under subsection (4) of this section shall be final and conclusive, unless fraudulent, or unless any person adversely affected by the decision requests a further administrative review by the Procurement Review Panel under Section 11-35-4410(1) within ten calendar days of posting of the decision in accordance with Section 11-35-4210(5). The request for review shall be directed to the appropriate chief procurement officer, who shall forward the request to the Panel, or to the Procurement Review Panel and shall be in writing, setting forth the reasons why the person disagrees with the decision of the appropriate chief procurement officer. The person may also request a hearing before the Procurement Review Panel.

Additional information regarding the protest process is available on the internet at the following web site: <http://www.state.sc.us/mmo/legal/lawmenu.htm>

FILING FEE: Pursuant to Proviso 66.1 of the 2004 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410(4). . . . Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived." 2004 S.C. Act No. 248, Part IB, § 66.1. PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, a business must retain a lawyer. Failure to obtain counsel will result in dismissal of your appeal. Protest of Lighting Services, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and Protest of The Kardon Corporation, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003).

ROBINSON BRADSHAW & HINSON

STEPHEN M. COX
SOUTH CAROLINA OFFICE

DIRECT DIAL: 803.325.2910
DIRECT FAX: 803.985.3782
ADMITTED IN SC AND NC
SCOX@RBH.COM

April 9, 2010

Via E-Mail and First Class Mail

Mr. John White
Office of the State Engineer
1201 Main Street, Suite 600
Columbia, South Carolina 29201

Re: Athletic Village Infrastructure Development Construction
State Project No. H27-6056-MJ-B
NOTICE OF BID PROTEST WITHDRAWAL

Dear Mr. White:

As I explained in our telephone conversation this afternoon, Randolph & Son Builders, Inc. hereby withdraws its bid protest in the captioned matter.

Very truly yours,

ROBINSON, BRADSHAW & HINSON, P.A.


Stephen M. Cox

SMC/

Cc: Mr. Chuck Randolph (via email)
Randolph & Son Builders, Inc.

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